



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 28, 2021


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re	§	Chapter 11
HIGHLAND CAPITAL MANAGEMENT, L.P., ¹	§	Case No. 19-34054-sgj11
Debtor.	§	
UBS SECURITIES LLC AND UBS AG	§	Adversary Proceeding
LONDON BRANCH,	§	
Plaintiffs,	§	No. 21-03020
vs.	§	
HIGHLAND CAPITAL MANAGEMENT, L.P.,	§	
Defendant.	§	

¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL AND DENYING MOTION OF FORMER EMPLOYEES TO QUASH SUBPOENAS

Upon consideration of: (i) *Motion of Former Employees to Quash Subpoenas* (Adv. Dkt. No. 70, the “Motion to Quash”); (ii) *Plaintiffs’ Motion to Compel and Response to Motion of Former Employees to Quash Subpoenas* filed by UBS Securities LLC and UBS AG London Branch (together, “UBS”), along with the Memorandum of Law, Tomkowiak Declaration, and Appendix filed in support of the Motion (Adv. Dkt. No. 74-76, collectively, the “UBS Motion”); (iii) *Former Employees’ Response to UBS Motion to Compel*, along with the *Brief in Support of Former Employees’ Response to UBS Motion to Compel and Reply in Support of the Former Employees’ Motion to Quash* (Adv. Dkt. No. 86-87); and (iv) all exhibits which UBS and the Former Employees stipulated were admissible for the purposes of the June 24, 2021 hearing on the Motion to Quash and the UBS Motion (Exhibits 1- 24 of Adv. Dkt. No. 89 and Exhibits 1-7 of Adv. Dkt. No. 90); and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue of this proceeding and the Motions is proper in this District pursuant to 28 U.S.C. §§ 1408-1409; and due, adequate, and sufficient notice of the Motions having been given; and after due deliberation and for the reasons stated on the record at the hearing conducted June 24, 2021, it is hereby **ORDERED**:

1. The UBS Motion is GRANTED;
2. The Former Employees must produce any documents responsive to the Production Subpoenas within 7 days from the date of entry of this Order;
3. Mr. Ellington, Mr. Leventon, Mr. Sevilla, and Mr. DiOrio must all appear for deposition pursuant to their respective Deposition Subpoenas by no later than Sunday, July 25, 2021;

4. Counsel for the Former Employees shall promptly inform counsel for UBS of the anticipated date on which Ms. Lucas's maternity leave will terminate;
5. Ms. Lucas shall appear for deposition pursuant to the Deposition Subpoena by no later than 30 days after the termination of her maternity leave;
6. The Motion to Quash is DENIED; and
7. Each side shall bear its own costs.

End of Order

Order prepared by:

LATHAM & WATKINS LLP

By /s/ Andrew Clubok

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*Counsel for UBS Securities LLC and UBS
AG London Branch*

United States Bankruptcy Court
Northern District of Texas

UBS Securities LLC,

Plaintiff

Highland Capital Management, L.P.,

Defendant

Adv. Proc. No. 21-03020-sgj

CERTIFICATE OF NOTICE

District/off: 0539-3

User: mmathews

Page 1 of 2

Date Rcvd: Jun 28, 2021

Form ID: pdf001

Total Noticed: 9

The following symbols are used throughout this certificate:

Symbol	Definition
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- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 30, 2021:

Recip ID	Recipient Name and Address
aty	+ Jamie Wine, LATHAM & WATKINS LLP, 885 Third Ave., New York, NY 10022-4874
aty	+ Jeffrey E. Bjork, Latham & Watkins LLP, 355 S. Grand Ave., Ste. 100, Los Angeles, CA 90071-3104
aty	+ Katherine George, LATHAM & WATKINS LLP, 330 North Wabash Avenue, Ste. 2800, Chicago, IL 60611-3695
aty	+ Sarah Tomkowiak, Latham & Watkins LLP, 555 Eleventh Street, NW, Suite 1000, Washington, DC 20004-1359
aty	+ Zachary F. Proulx, LATHAM & WATKINS LLP, 1271 Avenue of the Americas, New York, NY 10020-1401
ust	+ Cheryl Wilcoxson, US Trustee, 1100 Commerce St., Ste. 976, Dallas, TX 75242-0996

TOTAL: 6

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
ust	+ Email/Text: ustpregion06.ty.ecf@usdoj.gov	Jun 28 2021 20:47:00	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231
ust	+ Email/Text: ustpregion07.hu.ecf@usdoj.gov	Jun 28 2021 20:47:00	US Trustee, Office of the US Trustee, 515 Rusk Ave, Ste 3516, Houston, TX 77002-2604
ust	+ Email/Text: ustpregion06.da.ecf@usdoj.gov	Jun 28 2021 20:47:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
ust		Sandra Nixon, U.S. Trustee
ust		mario zavala
ust	*+	US Trustee, Office of the U.S. Trustee, 110 N. College Ave., Suite 300, Tyler, TX 75702-7231

TOTAL: 2 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 30, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 28, 2021 at the address(es) listed below:

Name	Email Address
Andrew Clubok	on behalf of Plaintiff UBS Securities LLC andrew.clubok@lw.com andrew-clubok-9012@ecf.pacerpro.com,ny-courtmail@lw.com
Andrew Clubok	on behalf of Plaintiff UBS AG London Branch andrew.clubok@lw.com andrew-clubok-9012@ecf.pacerpro.com,ny-courtmail@lw.com
Candice Marie Carson	on behalf of Plaintiff UBS AG London Branch Candice.Carson@butlersnow.com
Candice Marie Carson	on behalf of Plaintiff UBS Securities LLC Candice.Carson@butlersnow.com
Clay M. Taylor	on behalf of Interested Party James Dondero clay.taylor@bondsellis.com krista.hillman@bondsellis.com
Eric A. Soderlund	on behalf of Interested Party Former Employees eric.soderlund@judithwross.com
Frances Anne Smith	on behalf of Interested Party Former Employees frances.smith@judithwross.com michael.coulombe@judithwross.com
Juliana Hoffman	on behalf of Creditor Committee Official Committee of Unsecured Creditors jhoffman@sidley.com txefilingnotice@sidley.com;julianna-hoffman-8287@ecf.pacerpro.com
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Melissa S. Hayward	on behalf of Defendant Highland Capital Management L.P. MHayward@HaywardFirm.com, mholmes@HaywardFirm.com
Paige Holden Montgomery	on behalf of Creditor Committee Official Committee of Unsecured Creditors pmontgomery@sidley.com txefilingnotice@sidley.com;paige-montgomery-7756@ecf.pacerpro.com;crognes@sidley.com;ebromagen@sidley.com;efilingnotice@sidley.com
Zachery Z. Annable	on behalf of Defendant Highland Capital Management L.P. zannable@haywardfirm.com

TOTAL: 16